

State Basic Housing Standards: Rhode Island Lead Poisoning Prevention and Mitigation Statutes

In Rhode Island lead poisoning prevention and mitigation is handled by multiple state agencies and municipalities and authorized by the following statutes (RI General Laws – “RIGL”)¹:

- **RIGL § 23-24.6: Lead Paint Prevention Act (Applies to RIDOH)**
 - § 23-24.6-3 Declaration of purposes. – The purposes of this chapter are: (1) to protect the public health and public interest by establishing a comprehensive program to reduce exposure to environmental lead and prevent childhood lead poisoning, the most severe environmental health problem in Rhode Island; and (2) to establish rigorous, systematic enforcement of requirements for the reduction of lead hazards in properties where children have been lead poisoned; and (3) to define the role of the department of health as the lead state agency charged with: (i) defining lead poisoning, (ii) establishing programs for screening persons, especially children under the age of six (6) years, who are at risk of lead poisoning, (iii) setting standards for eliminating and reducing lead hazards in buildings and premises, including dwellings where a child under the age of six (6) years who has been lead poisoned resides, (iv) providing information to the public and segments thereof about the risks of lead poisoning, and (v) initiating enforcement actions against persons who violate the provisions of this chapter or regulations promulgated pursuant to this chapter. The goal of this chapter is to reduce the incidence of childhood lead poisoning in Rhode Island to the greatest extent feasible.
- RIGL § 23-1-19 through 25: RIDOH Enforcement Procedure
- **RIGL § 42-128.1: Lead Hazard Mitigation Act (Applies to RIHRC²)**
 - § 42-128.1-3 Legislative purposes. – In order to promote the prevention of childhood lead poisoning in Rhode Island, it is the purpose of this chapter:

(1) To increase the supply of rental housing in Rhode Island in which lead hazards are, at a minimum, mitigated; (2) To improve public awareness of lead issues and to educate both property owners and tenants about practices that can reduce the incidence of lead poisoning; (3) To resolve disjointed insurance practices arising from lead liabilities exclusions.
- **RIGL § 23-27.3: State Building Code**
 - § 23-27.3-100.1.2 Purpose. – The general assembly hereby finds and declares that a state building code for Rhode Island is necessary to

¹ The link to RI’s General Laws: <http://webserver.rilin.state.ri.us/Statutes/>

² RI Housing Resources Commission

establish adequate and uniform regulations governing the construction and alteration of buildings and structures within the state.

- § 23-27.3-107.5 Local building official – Qualifications – Powers and duties. – . . . The building official shall require compliance with the provisions of the state building code of all rules lawfully adopted and promulgated thereunder, and of laws relating to construction, alteration, repair, removal, demolition, and integral equipment, and location, use, occupancy, and maintenance of buildings and structures, except as may be otherwise provided for. . . .
- § 23-27.3-108.1 Local building official – Enforcement duties. – The building official shall enforce all the provisions of this code and any other applicable state statutes, rules, and regulations, or municipal ordinances . . .
- § 23-27.3-122.1 Notice of violation
- § 23-27.3-122.2 Prosecution of violation

- **RIGL § 45-24.2: Minimum Housing Standards (Applies to municipalities)**

- **RIGL § 45-24.3: Housing Maintenance and Occupancy Code (Applies to municipalities)**

- See especially RIGL § 45-24.3-10: General requirements relating to the safe and sanitary construction and maintenance of parts of dwellings and dwelling units – No person shall occupy, as owner or occupant, or let to another for occupancy, any dwelling or dwelling unit, for the purpose of living, which does not comply with the following requirements:

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(3) Lead-based substances are prohibited whenever circumstances present a clear and significant health risk to the occupants of the property, as defined by regulations of the department of health. Where required because of the tenancy of an at-risk occupant, lead hazards must be mitigated as provided for in chapter 128.1 of title 42 or abated pursuant to chapter 24.6 of title 23.

(4) In each instance where there is reason to believe that lead-based substances are present, the enforcing officer shall either ascertain whether the lead hazard mitigation standard has been met, or confirm whether suspect substances are lead-based by arranging for a comprehensive environmental lead inspection which conforms to department of health regulations.

(5) In all instances where either compliance with mitigation standards cannot be confirmed by the enforcement officer by review of certifications for the same or where substances are confirmed to be lead-based by an environmental lead inspection, and there exists a lead exposure hazard, the

enforcing officer shall identify necessary lead hazard reductions that must be taken pursuant to department of health regulations.

(6) In all instances where lead-based substances are identified on a dwelling, a dwelling unit, or premises occupied by a child suffering from "lead poisoning", as defined in the Rhode Island Lead Poisoning Prevention Act, §§ 23-24.6-1 through 23-24.6-26, the enforcing officer shall consider these instances under "emergencies", pursuant to § 45-24.3-21.

- **RIGL § 34-37: Rhode Island Fair Housing Practices Act, Title 34, chapter 37 of the General Laws of RI**, see www.sec.state.ri.us.
- **RIGL § 23-23: Clean Air Act; § 42-17.1-2(21): Department of Environmental Management procedures for administrative enforcement, and § 42-17.6: DEM Administrative Penalties** (Applies to DEM's regulation of exterior lead paint violations).
- **Federal Fair Housing Act, 42 U.S.C. Section 3601-56**, see www.hud.gov.

Rules and Regulations

2013 State of Rhode Island Property Maintenance Code SBC-6

Chapter 3 General Requirements

305.3.2 Prohibition

305.3.3 Enforcing Officer

305.3.4 No Certificate of Conformance

305.3.5 Lead Poisoned Child